

REMARKS/ARGUMENTS.

1. Revised Claims.

Claim 25 has been amended to limit the biological target as being cMet. Basis can be found within previous claim 15, as well as throughout the specification.

Claims 15-17, 20 and 23 have been amended to have the phrase “as defined in” as opposed to “as claimed in”. That is believed to represent the correction of an obvious error, since claim 25 is to a composition which comprises a contrast agent (not a contrast agent *per se*), and Claims 15-17, 20 and 23 refer explicitly to a “contrast agent”.

2. Claim Rejections: 35 USC §103.

2.1 Marten, Klaveness and Waggoner.

Claims 15-18, 20, 21 and 23-25 stand rejected as being obvious over Marten, in view of Klaveness and Waggoner. The Examiner’s logic is that the person skilled in the art would be motivated to modify the cathepsin B NIR fluorochrome probes of Marten, by applying the teaching of Klaveness or Waggoner.

Applicants point out that amended claim 25 is now limited to c-Met as the biological target associated with the optical imaging of CRC. Marten, Klaveness and Waggoner are believed silent on c-Met. Hence, Applicants contend that no combination of those references

could provide the subject matter of the present claims. In addition, as already acknowledged by the Examiner, the logical combination of those references teaches towards probes which target a different biological target, i.e. cathepsin B. Thus, the combination teaches away from the subject matter of the present revised claims.

The obviousness rejection based on Marten, Klaveness and Waggoner should therefore be withdrawn.

2.2 Weissleder, Klaveness and Waggoner.

Claims 15-18, 20, 21 and 23-25 also stand rejected as being obvious over Weissleder, in view of Klaveness and Waggoner. The Examiner's logic is that the person skilled in the art would be motivated to modify the protease activatable probes of Weissleder, by applying the teaching of Klaveness or Waggoner.

Applicants refer to Marten [Gastroenterol., 122, 408-414 (2002)], cited above where the same cathepsin B probe of Weissleder is described. Figure 1 (page 408), and the associated text makes it clear that the probe is activated by the enzyme action of cathepsin B.

Applicants contend that the same logic as 2.1 applies, and that therefore the obviousness rejection based on Weissleder, Klaveness and Waggoner should therefore also be withdrawn.

CONCLUSION.

Applicants respectfully hold that the claims submitted herewith fulfill the requirements of a patentable invention and that all rejections and objections be withdrawn and the pending claims 15-18, 20-21, and 23-25 be allowed.

The Examiner is invited to telephone the undersigned in order to resolve any issues that might arise and to promote the efficient examination of the current application.

Respectfully submitted,

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